

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA  
#1 COURT SQUARE, SUITE 203  
PARKERSBURG, WV 26101

IN RE: MINUTES OF MEETING HELD  
MONDAY, MAY 21, 2012

PRESENT: DAVID BLAIR COUCH, PRESIDENT  
WAYNE DUNN, COMMISSIONER  
STEPHEN GAINER, COMMISSIONER

Bickford Tice was sworn in as part-time court security for the Wood County Sheriff's Department.

Robin Hart was sworn in as a case manager for the Wood/Jackson County Day Report Center.

**AGENDA AND DISCUSSION ITEMS**

At 9:25 A.M., the County Commission of Wood County met in Special Session, sitting Ex-Officio as a Board of Canvassers. County Clerk, Jamie Six, was present and informed the Commission that due to State Code and other counties not yet completing their election canvass, they could not certify the primary election until today at 3:20 P.M. Said Special Session was continued to Thursday, May 24, 2012 at 9:25 A.M. (Order A/966)

At 9:30 A.M., the County Commission met in regular session. They signed purchase orders, invoices, orders and other correspondence.

At 10:30 A.M., the County Commission met with Cecil Childress and Sandy Winans to discuss the usage of the County parking lot for an event by the Downtown Task Force. Since the profit was being directed to the Camden Clark Memorial Foundation and Commissioner Couch's

wife is the Director of the Fund, Commission Couch excused himself from the room. The County Commission stated they would need to satisfy insurance requirements.

The County Commission discussed the use of the parking lot by the Blennerhassett Hotel to provide a venue for the Mountaineer Parrothead Club to hold its annual Island Fest charity concert.

At 10:50 A.M., the County Commission met with Toni Tiano, Grant Consultant for Wood County, to discuss a Homeland Security Grant for a FLIR unit for the helicopter. After discussion, the County Commission authorized President Couch to execute the Agreement for the 2008 Port Security Grant Program. (Order M/1961)

At 10:58 A.M., the County Commission met with Mr. Henderson from the City of Parkersburg to discuss a request he sent for funding for monies for Van Devender Middle School youth athletics. The County Commission approved \$1,900.00 from the General County Fund lottery line item.

At 11:00 A.M., the County Commission met with Ed Hupp, Wood County Emergency Management Director to request the approval of the By-Laws and Procedures of the Wood County Local Emergency Planning Committee. Director of the Local Emergency Planning Committee, Doug Hess, was in attendance and stated the group had approved the bylaws as presented. The County Commission gave approval by signature to said By-Laws and Procedures. (Order M/ 1963)

At 11:04 A.M., the County Commission met with Jason Wharton, Prosecuting Attorney, to request funding for an assistant prosecutor that they have lost grant funding for. After discussion, the County Commission authorized an increase in the Prosecutor's line item in the amount of \$23,970.00. (Order M/1965)

At 11:17 A.M., the County Commission met with Wood County Assessor Rich Shaffer. Mr. Shaffer announced that he is once again holding a county-wide contest for the "top dog" in the

County whose owner will be awarded the "1" dog tag in the County. The contest will take place after the first of July, 2012.

The County Commission approved a New Road Name Request Form from David White. The new road name will be Technology Drive. (Order M/1958)

**ORDERS APPROVED AND ATTACHED TO THESE MINUTES**

A/966, M/1957, M/1958, M/1959, M/1960, M/1961, M/1962, M/1963, M/1964 and M/1965


APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY



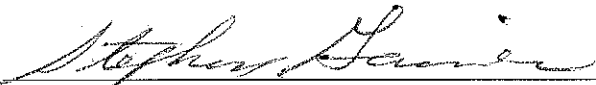
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David Blair Couch, President



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Wayne Dunn, Commissioner



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Stephen Gainer, Commissioner

To listen to this meeting, please refer to DVD labeled May 21, 2012.

Wood County Commission Meeting  
Held May 21, 2012

**Please Print**

1.	Patsy Brookover
2.	Robin Hart
3.	Bick Tice
4.	CECIL CHILDRESS
5.	Jandi Wiggins
6.	Ed Aapt
7.	Toni Tiano
8.	Jason Wharton
9.	
10.	
11.	
12.	
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16.	
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18.	
19.	
20.	



# Wood County Commission

5/21/2012  
 1 Court Square, Suite 203  
 Parkersburg, WV 26101

<b>9:25 AM</b>	CERTIFY ELECTION RESULTS	
<b>9:30 AM</b>	APPROVE AND SIGN MINUTES, ORDERS, PURCHASE ORDERS, INVOICES, NEW ROAD NAMES AND ANY OTHER ADMINISTRATIVE DUTIES	MARTY SEUFER, COUNTY ADMINISTRATOR
<b>10:30 AM</b>	DISCUSS USE OF COUNTY PARKING LOT	CECIL CHILDRESS & KIM KAPLAN
<b>10:45 AM</b>	LEPC BYLAWS APPROVAL	ED HUPP
<b>11:00 AM</b>	UPDATE ON GRANT FUNDING	JASON WHARTON, PROSECUTOR
<b>Other items for discussion:</b>	<ol style="list-style-type: none"> <li>1. Discuss vacancies on Parks and Recreation (Mountwood Park) Board</li> <li>2. County Travel Regulations</li> <li>3. Northpointe Subdivision</li> </ol>	

MAY 21, 2012

5/21/12  
70/81

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION ORDERED THAT THE NEW ROAD NAME REQUEST FORM FROM DAVID G. WHITE BE APPROVED. THE NEW ROAD NAME WILL BE TECHNOLOGY DRIVE.

ORDER

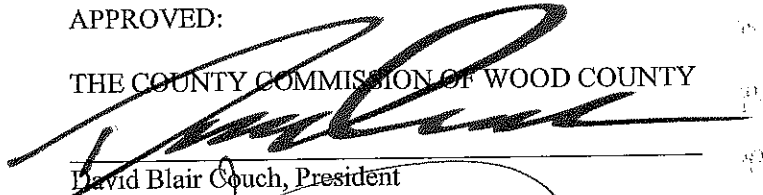
The County Commission of Wood County was in receipt of a New Road Name Request Form from David G. White, to name the new road at West Virginia University at Parkersburg (WVU-P) TECHNOLOGY DRIVE. The said Request does not interfere with the scheduled readdressing and mapping for the E-9-1-1 Master Street Addressing Guide. The road to be known as TECHNOLOGY DRIVE is located off of Nicolette Road towards the main building at WVU-P, and behind the Caperton Center, in Clay District, Tax Map 230, Parcel A. The request by David G. White is in accordance with Chapter 7, Article 1, Section 3 of the Code of West Virginia, 1931, as amended, which deals, in part, with the County Commission naming or renaming thereof of roads, ways, streets, avenues, drives and the like to assure uniform, nonduplicative conversion of all rural routes to city-type addressing on a permanent basis.

The County Commission does hereby find that the said request, made in writing, by David G. White, and the approval from the Wood County E-9-1-1, is in proper form and is hereby ORDERED to be filed.

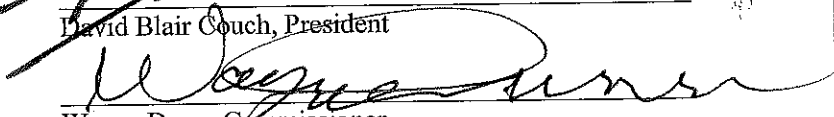
NOW, THEREFORE, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by Wayne Dunn and made unanimous by Stephen Gainer, does hereby ORDER that the aforementioned road be named TECHNOLOGY DRIVE. The County Commission does further ORDER that a copy of this ORDER, along with the New Road Name Request Form, be certified by the Clerk of the County Commission for entry in the Office of the Clerk of the County Commission.

APPROVED:

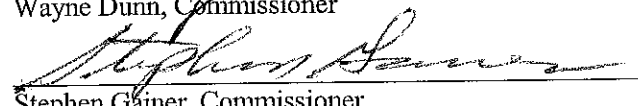
THE COUNTY COMMISSION OF WOOD COUNTY



David Blair Couch, President



Wayne Dunn, Commissioner



Stephen Gainer, Commissioner

WILL PICK UP

Please complete the upper portion of this request form. Return it to: Central Telecommunications Center, 911 Core Road, Parkersburg, WV 26104.

*fax 422-6270*

*5/21/12  
7/8/1*

*New Road Name at College.*

WOOD COUNTY 911  
NEW ROAD NAME REQUEST FORM

Applicant Name: *David E White*

Applicant Phone #: *204-424-8225*

Property Owner Name: *West Virginia University at Parkersburg*

Current Road Name or Highway Number, if any:

Tax District: *CLAY* Tax Map #: *231* Parcel #: *A*

Describe Physical Location: *Left off Nicolette Rd. Towards Main Building  
Right Between Caperton Center and The New Applied Technology Center  
Right Behind Caperton Center Dead Ending at The Energy Management  
LAB.*

List Three Road Name Suggestions: 1<sup>st</sup> *Technology Drive \**  
2<sup>nd</sup> *Robert C. Byrd Drive*  
3<sup>rd</sup> *Keith Burdette Drive*

Please prioritize.

Signature of Applicant: *David E White*

Coordinated with the Map Processor:

Processor Signature: *Annmarie E Jones* Process Date: *5/21/12*

Granted Street Name:

Place signature, address and telephone number all of the homeowners agreeing to the road name changes. This must be 100% of the residents if less than 10 and 75% if more than 10.

Signature	Existing Address	Phone #

STATE OF WEST VIRGINIA,  
COUNTY OF WOOD, TO WIT:

I JAMIE SIX, Clerk of the County Commission in and for the County of Wood and State of West Virginia, having a Seal, and the Officer in whose custody of files, books and records of said Office are required by laws of said State to be kept, do hereby certify that the attached and foregoing writing is a full, true and complete transcript and copy of

IN RE: THE COUNTY COMMISSION ORDERED THAT THE NEW ROAD NAME REQUEST FORM  
FROM DAVID G. WHITE, BE APPROVED. THE NEW ROAD NAME WILL BE TECHNOLOGY  
DRIVE

and the same appears of record in my said Office in COURT ORDER BOOK 70, Page 81

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of said Office, at the City of Parkersburg, County of Wood and State of West Virginia, this the 15th day of JUNE, 20 12.

JAMIE SIX, CLERK  
WOOD COUNTY COMMISSION  
By: Ruth A. McBride  
Deputy

Jamie Six  
WOOD County 06:04:11 PM  
Instrument No 748260 X  
Date Recorded 06/15/2012  
Document Type ORDER/D  
Pages Recorded 3  
Book-Page 1184-359



5/21/12  
70/48

MAY 21, 2012

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

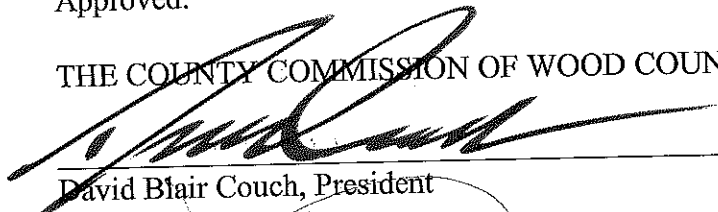
IN RE: THE COUNTY COMMISSION ORDERED THAT THE SPECIAL SESSION HELD ON THIS DATE BE CONTINUED TO THURSDAY, MAY 24, 2012 FOR THE PURPOSE OF CERTIFYING THE RESULTS OF THE PRIMARY ELECTION HELD MAY 8, 2012.

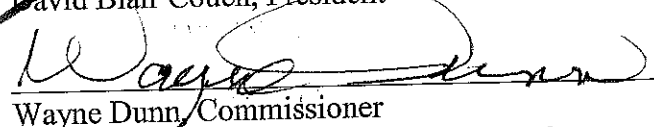
**ORDER**

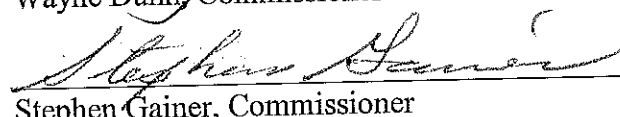
On this date, the County Commission of Wood County, announced to all concerned, upon a motion made by David Blair Couch, seconded by Stephen Gainer and passed, that they, as a Commission, hereby Order that the SPECIAL SESSION held on this date at 9:25 A.M., be continued to Thursday, May 24, 2012 at 9:25 A.M. The County Commission will be sitting Ex-Officio as the Board of Canvassers for the purpose of certifying the results of the Primary Election held on May 8, 2012.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
David Blair Couch, President

  
\_\_\_\_\_  
Wayne Dunn, Commissioner

  
\_\_\_\_\_  
Stephen Gainer, Commissioner

5/21/12

70/81

MAY 21, 2012

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION WAS IN RECEIPT OF A CHECK FROM THE STATE OF WV IN THE AMOUNT OF \$3,206.48 WHICH REPRESENTS REIMBURSEMENT IN REGARD TO THE DIVISION OF CRIMINAL JUSTICE ASSISTANCE GRANT NUMBER 10-VA-040.


**ORDER**

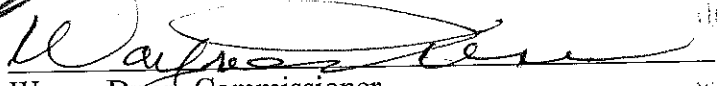
On this date, the County Commission of Wood County was in receipt of a check from the State of West Virginia in the amount of three thousand two hundred six dollars and forty-eight cents (\$3,206.48) which represents reimbursement to Wood County for expenses incurred during the month of February, 2012, in regard to the Strategic Prevention Framework State Incentive Grant Number 10-VA-040.

Documentation pertaining to the Justice Assistance Grant is on file in the Office of the County Administrator.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
David Blair Couch, President

  
\_\_\_\_\_  
Wayne Dunn, Commissioner

  
\_\_\_\_\_  
Stephen Gainer, Commissioner

M/1957

5/21/12  
70/81

MAY 21, 2012

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION AUTHORIZED DAVID BLAIR COUCH,  
AS PRESIDENT, TO SIGN THE REQUEST FOR REIMBURSEMENT IN  
REGARD TO THE COMMUNITY CORRECTIONS GRANT NUMBER  
12-CCPT-04. SAID REQUEST IS IN THE AMOUNT OF \$3,621.92.

**ORDER**


On this date, the County Commission of Wood County, upon a motion made by Wayne Dunn,  
seconded by Stephen Gainer and made unanimous by David Blair Couch, did hereby AUTHORIZE  
David Blair Couch, in his official capacity as President and on behalf of the County Commission, to  
sign the Request for Reimbursement in regard to the Pre-Trial Diversion Program Grant Number 12-  
CCPT-04. Reimbursement is in the amount of three thousand six hundred twenty-one dollars and  
ninety-two cents (\$3,621.92) for the month of April, 2012. In addition to the Request for  
Reimbursement, the Grant Progress Report, the Contractor Time Sheets and the Project Financial  
Report are being submitted to the Criminal Justice Services, Charleston, West Virginia.

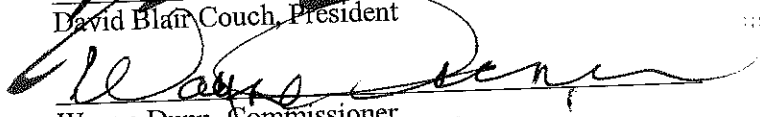
A copy of the Request for Reimbursement is attached to this ORDER and should be made a part  
thereof.

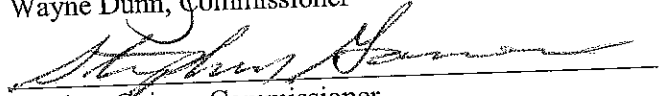
Documentation pertaining to the Pre-Trial Diversion Program is on file in the Office of the  
County Administrator.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
David Blair Couch, President

  
\_\_\_\_\_  
Wayne Dunn, Commissioner

  
\_\_\_\_\_  
Stephen Gainer, Commissioner

M/1959

5/21/12  
7/1/81

<b>WEST VIRGINIA</b> Division of Criminal Justice Services	<b>Request for Reimbursement</b>
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<b>RECEIVED</b> (For DCJS Use Only)	Subgrantee: Wood County Commission
	Address: One Court Square, Suite 203 Parkersburg, WV 26101
	Project #: 12-CCPT-04
	FEIN#: 556 000 417
	Funds are hereby requested to cover expenditures
	FROM: 4/1/12 TO: 4/30/12

**PROJECT CASH EXPENDITURES**


CATEGORY	AMOUNT
Personnel/Contractual	\$3,621.92
Travel/Training	-0-
Space	-0-
Other	-0-
Equipment	-0-
<b>TOTAL</b>	<b>\$3,621.92</b>

**CERTIFICATION:**

I certify that this report presents actual receipts and expenditures of funds for the period covered and for the total grant budget to date, made in accordance with the approved budget for this grant.

All documentation is available at our office.

BY: David Blair Couch, President, Wood County Commission  
 TYPED NAME & TITLE  
 (Authorized Official or Grant Financial Officer ONLY)

  
 SIGNATURE 5/21/12  
 DATE

**DCJS USE ONLY**

**ADMINISTRATIVE APPROVAL:**

This request is approved in the amount of \$ \_\_\_\_\_  
Initials Date

Pursuant to the authority vested in me, I certify that this request is correct and proper for payment.

\_\_\_\_\_ Program Accountant  
 Date

5/21/12  
7482

MAY 21, 2012

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION AUTHORIZED DAVID BLAIR COUCH, AS PRESIDENT, TO SIGN THE REQUEST FOR REIMBURSEMENT IN REGARD TO THE COMMUNITY CORRECTIONS GRANT NUMBER 12-CC-09. SAID REQUEST IS IN THE AMOUNT OF \$39,246.53.

ORDER

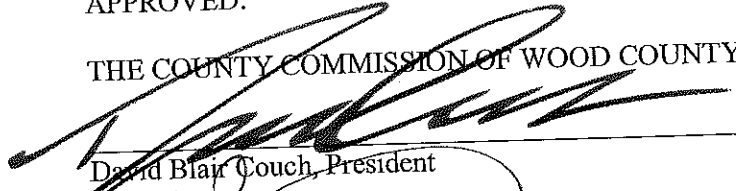
On this date, the County Commission of Wood County, upon a motion made by Stephen Gainer, seconded by Wayne Dunn and made unanimous by David Blair Couch, did hereby AUTHORIZE David Blair Couch, in his official capacity as President and on behalf of the County Commission, to sign the Request for Reimbursement in regard to the Community Corrections Grant Number 12-CC-09. Reimbursement is in the amount of thirty-nine thousand two hundred forty-six dollars and fifty-three cents (\$39,246.53) for the month of April, 2012. In addition to the Request for Reimbursement, the Time Sheets for employees of the Wood County Day Report Center, the Monthly Project Director's Report, the Financial Recap and the Project Financial Reports are being submitted to the Criminal Justice Services, Charleston, West Virginia.

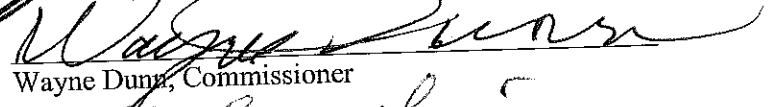
A copy of the Request for Reimbursement is attached to this ORDER and should be made a part thereof.


Documentation pertaining to the Community Corrections Grant is on file in the Office of the County Administrator.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
David Blair Couch, President

  
Wayne Dunn, Commissioner

  
Stephen Gainer, Commissioner

5/21/12  
70182

<b>WEST VIRGINIA</b> Division of Criminal Justice Services	<b>Request for Reimbursement</b>
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<b>RECEIVED</b> (For DCJS Use Only)	Subgrantee: Wood County Commission
	Address: One Court Square, Suite 203 Parkersburg, WV 26101
	Project #: 12-CC-09
	FEIN#: 556 000 417
	Funds are hereby requested to cover expenditures FROM: 4/1/12 TO: 4/30/12

**PROJECT CASH EXPENDITURES**

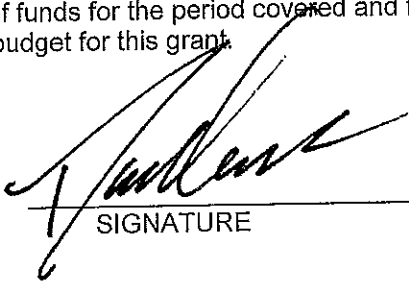
CATEGORY	AMOUNT
Personnel/Contractual	\$39,246.53
Travel/Training	-0-
Space	-0-
Other	-0-
Equipment	-0-
<b>TOTAL</b>	<b>\$39,246.53</b>

**CERTIFICATION:**

I certify that this report presents actual receipts and expenditures of funds for the period covered and for the total grant budget to date, made in accordance with the approved budget for this grant.

All documentation is available at our office.

BY: David Blair Couch, President, Wood County Commission  
TYPED NAME & TITLE



SIGNATURE 5/21/12  
DATE

(Authorized Official or Grant Financial Officer ONLY)

**DCJS USE ONLY**

**ADMINISTRATIVE APPROVAL:**

This request is approved in the amount of \$ \_\_\_\_\_  
Initials \_\_\_\_\_ Date \_\_\_\_\_

Pursuant to the authority vested in me, I certify that this request is correct and proper for payment.

\_\_\_\_\_  
Date Program Accountant

5/21/12  
70/82

MAY 21, 2012

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION DID HEREBY AUTHORIZE  
DAVID BLAIR COUCH, AS PRESIDENT, TO EXECUTE AN  
AGREEMENT FOR THE 2008 PORT SECURITY GRANT  
PROGRAM #2008-GB-T8-K061.

**ORDER**

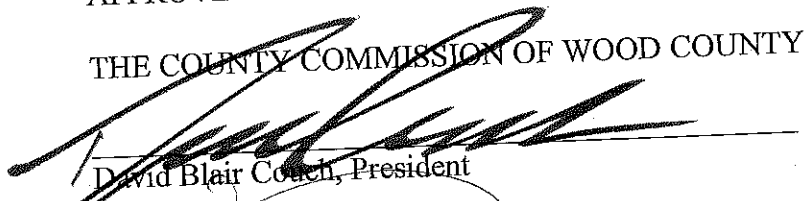
On this date, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by Wayne Dunn, and made unanimous by Stephen Gainer, did hereby AUTHORIZE David Blair Couch, in his official capacity as President and on behalf of the County Commission, to EXECUTE an Agreement for the West Virginia Port of Huntington Tri-State Area Maritime Port Security #2008-GB-T8-K061. Said Agreement is for the purchase of a Forward Looking Infrared (FLIR) unit for the Wood County Sheriff's Department helicopter. Said grant is in the amount of three hundred fifty-four thousand two hundred forty-seven dollars and zero cents (\$354,247.00).

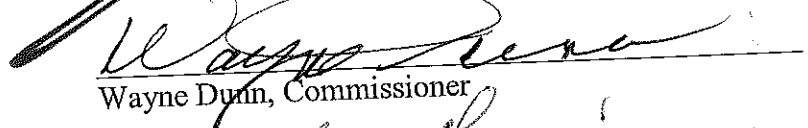
A copy of the Agreement is attached to this Order and should be made a part thereof.

Pertinent documentation pertaining to the aforementioned Grant is on file in the Office of the County Administrator.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
David Blair Couch, President

  
\_\_\_\_\_  
Wayne Dunn, Commissioner

  
\_\_\_\_\_  
Stephen Gainer, Commissioner

M/1961

5/21/12  
70/82

**WEST VIRGINIA PORT OF HUNTINGTON TRI-STATE  
AREA MARITIME SECURITY COMMITTEE  
AGREEMENT  
PROJECT NUMBER 2008-GB-T8-K061  
FISCAL YEAR 2008 PORT SECURITY GRANT PROGRAM  
WOOD COUNTY COMMISSION  
HELO MOUNTED FLIR SYSTEM**

**THIS AGREEMENT**, executed in duplicate, made and entered into this 21st day of May, 20 12, by and between the Area Maritime Security Committee, 1900 Kanawha Boulevard East, Building Five, Room 125-A, Charleston, West Virginia 25305-0430, hereinafter called "Department," and the Wood County Commission, One Court Square, Suite 203, Parkersburg, WV 26101 hereinafter called "Sub-awardee,"

**WITNESSETH** that,

**WHEREAS**, Sub-awardee desires the participation of Department in the funding of certain port security activities pertaining to the Port of Huntington; and

**WHEREAS**, Department's financial participation in this project will be limited exclusively to federal Fiscal Year 2008 Port Security Grant Program (PSGP) funding, as available from the US Department of Homeland Security, Federal Emergency Management Agency (FEMA); and

**WHEREAS**, Department considers it to be in the public interest to participate in this project, which provides a safe, efficient and Maritime Port Security project to ensure port security; and

**NOW, THEREFORE**, in consideration of the above premises and in further consideration of the agreement herein set forth by and between the parties hereto, it is mutually agreed as follows:

- I. Sub-awardee shall be responsible, at no cost to Department, for preparation of any plans, specifications or other documents, which collectively are referred to as the "Plans," that may be associated with the activities described within the "Investment Justification" approved by FEMA. The scope of Sub-awardee's activities, hereinafter called "Project," is to consist primarily of, but may not be limited to the purchase of the purchase a FLIR System for the Sheriff's Department helicopter.

Any Project Plans shall be developed in accordance with appropriate Federal or other standards and criteria and shall be subject to the review of Department. If requested by Department, Sub-awardee shall provide Department with reproducible copies of the Project Plans, as well as reproducible copies of the "as-built" Plans, as appropriate.

- II. No Project expenses incurred prior to the date of this fully executed agreement shall be eligible for reimbursement with the federal PSGP funds. Project shall be completed before **July 31, 2012** and the date of completion shall be the date which FEMA provides written acceptance of Project implementation.



- III. Sub-awardee shall secure the approvals and/or permits, if any, required by other governmental agencies, and shall comply with all applicable Federal, State, and local environmental regulations including, but not limited to, the National Environmental Policy Act, Council of Environmental Quality Regulations, Federal Highway Administration guidance, Section 404 of the Clean Water Act, Section 106 of the National Historic Preservation Act, Endangered Species Act, State 401 Water Quality Certification, hazardous waste requirements, and other environmental and cultural resource concerns. Upon request of Department, Sub-Awardee shall furnish Department with acceptable documentation of such approvals, permits, and compliance. Further, Sub-Awardee shall comply with the Special Conditions and with the FEMA memorandum regarding NEPA Compliance that are attached hereto and made part hereof.
- IV. Sub-Awardee shall be responsible for acquiring any property, right-of-way and/or easements that may be necessary for Project, including payment of just compensation for same. Sub-Awardee shall be responsible for all necessary installation, relocation or adjustment of utilities associated with Project.
- V. After receipt of any necessary written approval of the Project Plans, if appropriate, Sub-Awardee shall advertise a contract for construction of Project, with appropriate provisions regarding the payment by Sub-Awardee of prevailing wage rates, accept bids, award the construction contract, construct and inspect Project, and provide any necessary materials acceptance and traffic control, in accordance with the Project Plans. Sub-Awardee shall follow appropriate procurement procedures to acquire equipment and/or materials associated with Project. Sub-Awardee's authorization to proceed is subject to Department's review of the bids received and concurrence with the award of the construction contract, prior to award. Sub-awardee shall ensure compliance with the requirements of the Buy America Act, as well as any other required contract provisions pertaining to federal-aid/FEMA construction contracts. Department's authorization to proceed is contingent upon receipt of any FEMA approval and authorization that may be required and upon Sub-Awardee's compliance with the other stipulations and requirements set forth herein. Further, Sub-Awardee shall require its contractor(s) to furnish evidence of having at least the minimum amounts of insurance required of the Contractor and to provide evidence that contractor has a current license and is qualified to perform Project work in West Virginia, Ohio or Kentucky, as appropriate.
- VI. **Program reports are due on a quarterly basis. Reports are to be submitted by Sub-Awardee to Grants Coordinator, via email, by the fifteenth calendar day following each quarter:**
  - A. **January 1 to March 31 quarter is due before April 15;**
  - B. **April 1 to June 30 quarter is due before July 15;**
  - C. **July 1 to September 30 quarter is due before October 15;**
  - D. **October 1 to December 30 quarter is due January 15; and**
  - E. **Final report is due 15 days after end date of Project**
- VII. Funding for Project shall be as follows:
  - A. With respect to Project, Department shall have no financial responsibility for the cost associated with:
    - 1. acquisition of property, right-of-way and/or easements necessary;
    - 2. utility installation, relocation, or adjustment;

3. any Project activities undertaken by Sub-awardee prior to execution of this Agreement;
  4. any construction activities that are performed by any entity not procured through appropriate competitive bidding.
- B. Sub-awardee initially shall bear the cost of design/engineering and construction of Project. Upon submission by Sub-awardee to Department of proper invoices that clearly identify the actual cost incurred by Sub-awardee for design/engineering and construction of Project, which invoices shall include copies of payments made by Sub-awardee to its Project consultant and contractor, Department then shall reimburse Sub-awardee for the actual eligible design/engineering and construction costs of Project. Sub-awardee may submit invoices for reimbursement at any time during Project implementation, after Sub-Awardee has made payment to consultant and/or contractor.
  - C. Sub-awardee will submit detailed invoices, including match information, if applicable, (using invoice template – Form 5100-61S) to Department no more frequently than monthly with appropriate match documentation. If match documentation is not included, invoice may not be payable. Final invoice is due by the 30<sup>th</sup> day after end date stated in Article II of this Agreement. Should the match requirements not be met, Sub-Awardee will promptly refund all prior payments made from federal funds.
  - D. Department's maximum financial responsibility toward Project shall be **Three Hundred Fifty-Four Thousand Two Hundred Forty-Seven dollars (\$354,247)**. Such amount is the maximum amount payable by Department under this Agreement without a supplemental Agreement.
  - E. Sub-Awardee shall provide the Department with the following information as required for auditing purposes by the Department and DHS/FEMA upon final invoice. This includes but may not be limited to: 1>serial numbers/model numbers 2>location of property purchased under this agreement 3>photograph of property purchased.
  - F. Sub-Awardee shall make available bi-annually as required, any of the property described in this agreement available to appointed property audit control personnel of the Department. Visual property auditing will take place in June and December of each calendar year following completion of the contract and will continue for 2 years until final closeout.
- VIII. Upon receipt of a final invoice for work at the completion of the entirety of any contract completed or materials provided from any of its consultants, contractors, subcontractors, laborers, or materialmen, Sub-Awardee shall require the invoicing party to provide a duly executed "**WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT**" in favor of Sub-Awardee to become effective upon payment of the invoice referenced therein by Sub-Awardee. Sub-Awardee shall transmit copies of all waivers and releases of mechanic's liens to Department upon receipt of the same.
  - IX. Any construction Change Order that will increase the cost of Project must be approved by both parties to this Agreement prior to the performance of any work associated with such Change Order.
  - X. Department shall assume no jurisdiction, ownership or maintenance responsibility for any structure or appurtenance constructed or modified as part of Project, unless otherwise indicated in this Agreement.

- XI. In connection with Project and to the extent allowable by law, Sub-awardee shall indemnify and hold Department harmless from and against any and all loss, damage, and liability, and from all claims for damages on account of or by reason of bodily injury, including death, which may be sustained, or claimed to be sustained, by any person or persons including employees of Department, and from and against any and all damages to property arising out of the Project, except if any such claim or liability results from
- A. the sole negligence of Department; or
  - B. the willful or intentional unlawful acts of Department.

If a provision of this Agreement is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect:

- A. the validity or enforceability in that jurisdiction of any other provision of this Agreement; or
  - B. the validity or enforceability in other jurisdictions of that or any other provision of this Agreement.
- XII. Department may terminate this Agreement upon thirty (30) days' written notice to Sub-awardee. Upon termination, Department shall be liable only for payment in accordance with the terms of this Agreement for work performed prior to the effective date of termination.
- XIII. Any disputes regarding this Agreement shall be settled in courts of the state of West Virginia.
- XIV. This Agreement shall be binding upon the successors and assigns of each party hereto.

IN WITNESS WHEREOF, the parties hereto have caused their respective names to be signed by their duly authorized officers.

ATTEST:

PORT OF HUNTINGTON TRI-STATE,  
AREA MARITIME SECURITY COMMITTEE

\_\_\_\_\_  
Title:

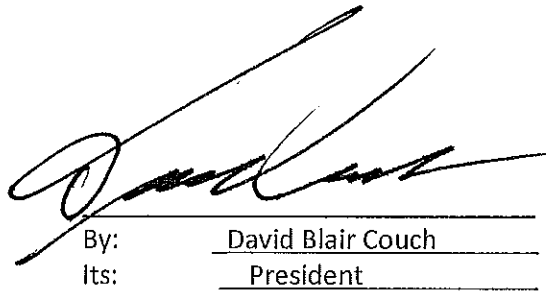
\_\_\_\_\_  
By:

\_\_\_\_\_  
Its:

ATTEST:

Wood County Commission

  
\_\_\_\_\_  
Title: Wood County Administrator

  
\_\_\_\_\_  
By: David Blair Couch  
Its: President

(To be executed in duplicate)

Distribution: Master File  
Sub-awardee

5/21/12  
70/82

MAY 21, 2012

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION WAS IN RECEIPT OF A CHECK FROM THE STATE OF WV IN THE AMOUNT OF \$640.00 OF WHICH REPRESENTS REIMBURSEMENT IN REGARD TO THE ENFORCING THE UNDERAGE DRINKING LAW GRANT NUMBER 11-EUD-015.

**ORDER**

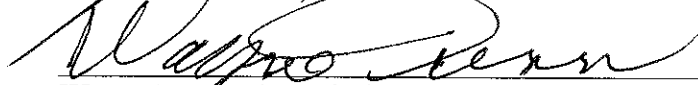
On this date, the County Commission of Wood County was in receipt of a check from the State of West Virginia in the amount of six hundred forty dollars and zero cents (\$640.00) which represents reimbursement to Wood County for expenses incurred during the month of March, 2012 in regard to the Enforcing the Underage Drinking Laws Grant Number 11-EUD-015. Receipt of the aforementioned check is pursuant to an Order appearing in Order Book 70, at Page 56 and bearing the date of April 12, 2012 at which time David Blair Couch, in his official capacity as President, and on behalf of the County Commission, was AUTHORIZED to EXECUTE the Request for Reimbursement.

Documentation pertaining to the WVDCJS Victims of Crime Advocate Grant is on file in the Office of the County Administrator.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
David Blair Couch, President

  
\_\_\_\_\_  
Wayne Dunn, Commissioner

  
\_\_\_\_\_  
Stephen Gainer, Commissioner

M/1962

5/24/12  
70/83

MAY 21, 2012

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION DID HEREBY AUTHORIZE THE  
USE OF THE WOOD COUNTY PARKING LOT ON MARKET  
STREET.

**ORDER**

On this date, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by Stephen Gainer and passed, did hereby AUTHORIZE the use of the Wood County Parking Lot located on Market Street by the Blennerhassett Hotel to provide avenue for the Mountaineer Parrothead Club to hold its annual Island Fest charity concert.

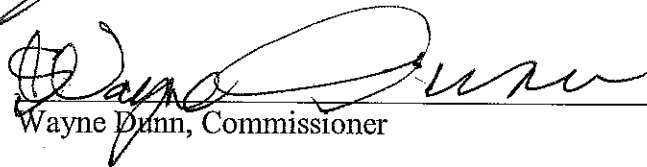
Said AUTHORIZATION is contingent on the event providing the county with adequate proof of liability insurance coverage.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY



David Blair Couch, President



Wayne Dunn, Commissioner



Stephen Gainer, Commissioner

M/1964

5/21/12  
70/89

MAY 21, 2012

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION DID HEREBY AUTHORIZE AN INCREASE IN THE SALARY LINE ITEM FOR ASSISTANT PROSECUTORS FOR FISCAL YEAR 2012/2013.

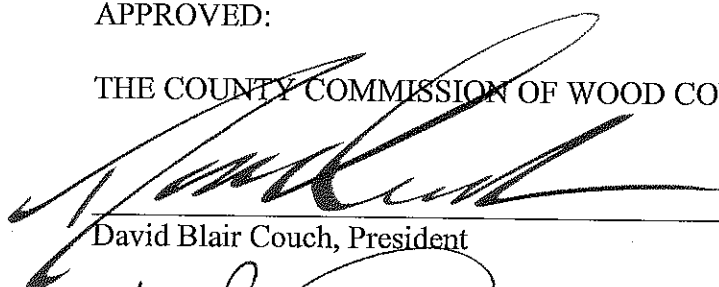
**ORDER**

On this date, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by Stephen Gainer and made unanimous by Wayne Dunn, did hereby AUTHORIZE an increase of twenty-three thousand nine hundred seventy dollars and zero cents (\$23,970.00) in the Wood County Prosecuting Attorney's General Fund Budget line item for salary of Assistant Prosecutors for the fiscal year 2012/2013.

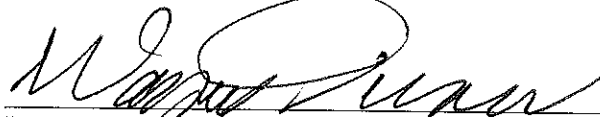
Said increase was approved upon the request of Wood County Prosecuting Attorney, Jason Wharton, to replace grant funds not awarded for the STOP Violence Against Women program.

APPROVED:

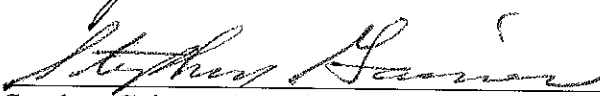
THE COUNTY COMMISSION OF WOOD COUNTY



David Blair Couch, President



Wayne Dunn, Commissioner



Stephen Gainer, Commissioner

M/1965

5/21/12  
70/82

MAY 21, 2012

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION DID HEREBY GIVE APPROVAL  
TO THE BY-LAWS AND PROCEDURES OF THE WOOD  
COUNTY LOCAL EMERGENCY PLANNING COMMITTEE.


**ORDER**

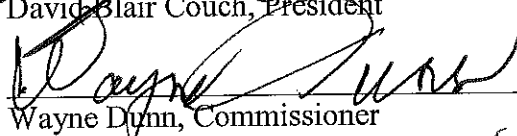
On this date, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by Steve Gainer, and made unanimous by Wayne Dunn, did hereby give APPROVAL by signature to the By-Laws and Procedures of the Wood County Local Emergency Planning Committee as presented by Ed Hupp, Director of the Wood County Emergency Services.


A copy of said By-Laws and Procedures is attached to this Order and should be made a part thereof. The County Commission does further ORDER that a copy of this Order, along with the By-Laws and Procedures, be certified by the Clerk of the County Commission for entry in the Office of the Clerk of the County Commission.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
David Blair Couch, President

  
\_\_\_\_\_  
Wayne Dunn, Commissioner

  
\_\_\_\_\_  
Steve Gainer, Commissioner

M/1963

WILL PICK UP



**FILE COPY**

**WOOD/WIRT COUNTY  
LOCAL EMERGENCY PLANNING  
COMMITTEE**



**BY-LAWS AND PROCEDURES**

**WOOD/WIRT COUNTY COMMISSION**  
**Office of Emergency Services**  
**911 Core Rd., Parkersburg, WV 26104**

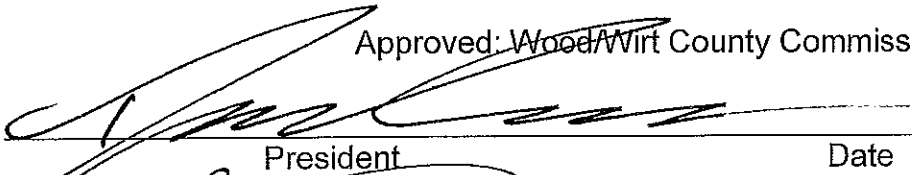
# Wood/Wirt County LEPC By-laws: Approval Sheet

The Wood/Wirt County Local Emergency Planning Committee does hereby adopt the attached by-laws as herein amended by a s majority vote of the members present during a regular scheduled meeting of the Wood/Wirt County Local Emergency Planning Committee this the *18h day of January*, Two Thousand Twelve.


So hereby attested by:

	<u>5/21/2012</u>
Chairperson	Date

_____	_____
Co-Chairperson	Date

Approved: Wood/Wirt County Commission	
	_____
President	Date

	_____
Commissioner	Date

	_____
Commissioner	Date

# **Wood/Wirt County**

## **Local Emergency Planning Committee**

### **BY-LAWS AND PROCEDURES**

#### **PREAMBLE**

To provide an efficient means of operation, the Wood/Wirt County Local Emergency Planning Committee (LEPC) has established the following set of By-laws and Procedures by which to operate. These By-laws and Procedures address a variety of issues and requirements including meeting formats, membership, agendas, public notification activities, receiving and responding to public comment, distribution of emergency plans, and requests for information under the Emergency Planning and Community Right-to-Know Act of 1986.

#### **CHANGES TO THE BY-LAWS AND PROCEDURES**

The By-laws may only be changed by a two-thirds majority vote of the LEPC membership present at a duly called meeting of the Wood/Wirt County LEPC, at which a quorum is present. Proposed changes shall be submitted for review to all members of the LEPC for a period of not less than seven calendar days prior to such meeting. The procedures may be changed by a majority vote of the LEPC members present at a regularly scheduled meeting.

#### **PURPOSE OF THE WOOD/WIRT COUNTY LOCAL EMERGENCY PLANNING COMMITTEE**

- 1) To address responsibilities as established related to "the Emergency Planning and Community Right – to – Know Act of 1986" also know as "Title III";
- 2) Facilitate relationships and contact lists to assist in the delivery of a coordinated response to man-made or natural disasters;
- 3) Partner industry and government leaders for local survivability and continuity of operations;
- 4) Promote the meaningful sharing of information and expertise;
- 5) Foster awareness of critical infrastructure interdependencies, threat and

vulnerabilities;

- 6) Encourage a "prevention and protection" operational framework for all activities;
- 7) Identify mutual needs for joint response and recovery procedures and assets;
- 8) Support emergency first responders by addressing necessary joint training and exercises.
- 9) ***Develop and implement a comprehensive emergency response plan in conjunction with Wood/Wirt County Emergency Management***

## **COMPOSITION OF THE COMMITTEE**

**The committee shall be composed of the following representatives:**

1. Elected State & local Officials
2. Law Enforcement, Fire Fighting, Emergency Medical Services and Emergency Management
3. Broadcast and print media
4. Owner/Operators of "Covered" Facilities
5. Environmental and Health Organizations
6. Interested Community Groups
7. Other interested public as deemed appropriate by the LEPC.

All members shall be appointed by the Wood/Wirt County Commission for terms not to exceed two years. Potential members may be recommended to the County Commission by members of the LEPC. Members may be re-appointed without any limit on terms.

### ***Quorum***

***Voting members present at any duly called meeting of the LEPC shall constitute a quorum. A simple majority vote shall rule unless otherwise stated in these Bylaws.***

## **OFFICERS**

A quorum of the LEPC shall annually elect a Chairperson and Co-Chairperson at a publicly announced meeting for a term not to exceed two years. Nothing in these by-laws shall preclude one person from holding more than one office except the Chairperson and Co-Chairperson position, who by the nature of the positions, must be two separate individuals. There are no limits imposed on the number of terms for each office; however, the committee shall encourage participation of as many members as possible to fulfill the functions of the officers.

### **Chairperson**

The Chairperson shall be elected by a majority vote of the LEPC at a monthly meeting or thirty days prior to the expiration of a 2-year term of office. The role of the Chairperson is to be the leader of the committee and ensure that all LEPC projects, tasks and associated

paperwork requirements for the functioning of this committee are carried out. These duties include, setting meeting times, preparation of agendas, appointing standing or ad hoc committees, chairing meetings, reporting to the County Commission concerning committee project status, and other duties associated with being a chairperson for any type of committee.

### **Co-Chairperson**

The Co-Chairperson shall be elected by a majority vote of the LEPC at a monthly meeting or thirty days prior to the expiration of a 2 year term of office. The role of the co-chairperson is to assist the chairperson and assume the responsibilities of the chairperson during their absence. In the event the chairperson is unable to fulfill their term, the co-chairperson will assume full responsibility of the chairperson until such time a new Chairperson is elected.

### **Recorder/Secretary**

A Recorder/Secretary shall be appointed by the Chairperson to serve for a term of two years. The responsibilities shall include recording of the minutes of LEPC meetings, sending out meeting notifications or making personal telephone reminder calls, preparing meeting agendas and public notification of meetings, and any other duties assigned by the Chairperson.

### **Information Coordinator**

An Information Coordinator shall be appointed by the Chairperson for a term not to exceed two years. It is the duty of the Information Coordinator to process public information requests in a timely manner. The coordinator shall maintain a record of all requests and have access to those records during normal working hours and to fulfill these responsibilities, will use the procedures and guidelines contained in Attachment A, "Procedures and Guidelines for Receiving and Processing Information Requests Under SARA Title III".

### **Attendance:**

All members of the Wood/Wirt County L.E.P.C. are expected to attend all duly called (*regular or special*) meetings of the Wood/Wirt County L.E.P.C. Members having two (2) unexcused absences (*see notes below*) during their respective term shall be notified in writing by the Chairman of the Wood/Wirt County L.E.P.C. of their failure to execute their responsibility of office, and their membership in the Wood/Wirt County L.E.P.C. has therefore been officially terminated.

**Note: Alternates:** Members of the Wood/Wirt County L.E.P.C. representing an organization, agency and/or firm may in their absence notify (*no less than 24 hours*) in writing and/or electronic communication the Secretary of the Wood/Wirt County L.E.P.C. of such absence and may at that time notify the Secretary of an alternate (*by name*) selected, or at any duly called meeting of the Wood/Wirt County L.E.P.C.

may officially designate a standing alternate (*by name*) to act in their behalf on all matters coming before the Wood/Wirt County L.E.P.C. during their absence. Members represented by an alternate shall not be considered absence for the purpose of attendance. Wood/Wirt County L.E.P.C. members solely representing themselves may not appoint alternate representation.

**Note: Excused Absence:** Members of the Wood/Wirt County L.E.P.C. by making notice to the Secretary of the Wood/Wirt County L.E.P.C. either in writing or by electronic communication prior to an officially called meeting of the Wood/Wirt County L.E.P.C. of (*illness/injury, work obligation, vacation, jury duty and/or emergency such as family and/or funeral*) and having made such notification shall be considered excused for the purpose of attendance for that meeting.

## PUBLIC NOTIFICATION OF LEPC ACTIVITIES

The following requirements are set forth for conducting public meetings of the LEPC.  
**Meetings**

Meetings shall be held monthly or at a minimum of once per calendar year quarter. The Recorder/Secretary shall issue a news release at least five business days preceding each meeting to the local media outlets based in Wood/Wirt County, West Virginia. Attachment B contains a sample of a suggested news release.

### **Regular Meetings**

***Regular meetings of the LEPC must be held a minimum of once per calendar year quarter. Members will be notified no less than 7 days prior to a regular meeting.***

### **Special Meetings**

***Special meetings may be called when needed to address specific issues. Membership will be notified of the date, time, location, and agenda, no less than 5 days prior to the meeting. Discussion will be limited to those items announced in the agenda.***

### **Emergency Meetings**

***In the event there is a time-sensitive issue that must be addressed, an emergency meeting may be called with a 24-hour notice to membership. The notice shall include the time, location, and issue that will be discussed. No other business may be conducted at an emergency meeting.*** Public Hearings

Notification of any Public Hearing, either called by act of the Wood/Wirt County LEPC and/or other act or requirement shall be the same as for meeting notification, but also shall

include a legal advertisement placed in the local newspapers at least five business days before the Public Hearing. Attachment B contains a suggested legal advertisement.

### **Major Reports and Plans**

Public notification concerning the issuing of major reports and plans shall be the same as for Public Hearings.

### **Minutes of Meetings and Hearings**

Official minutes of all LEPC meetings and hearings shall be documented and made available to the public upon request. Requests for minutes shall be made using the request for information procedures in Attachment A.

## **PUBLIC COMMENT AND RESPONSE**

Occasionally the LEPC will be confronted with both positive and negative public comment. The LEPC shall respond to such comments timely and responsibly with the public interest in mind. The LEPC may receive comments through letters, news editorials, telephone calls, and formal oral comments at LEPC meetings.

The LEPC shall request that all comments be submitted in writing. This will provide for adequate documentation and will allow the LEPC to respond accordingly.

Oral comments at public meetings shall be recorded. It should be noted that instantaneous responses to sensitive questions or comments are not mandatory. A well prepared response to sensitive issues, delivered in a reasonable time, shall be considered acceptable.

**ATTACHMENT A**

**PROCEDURES AND GUIDELINES**

**FOR**

**RECEIVING AND PROCESSING INFORMATION REQUESTS**

**UNDER SARA TITLE III**



WOOD/WIRT COUNTY COMMISSION  
Office of Emergency Services

<u>SECTION</u>	<u>PAGE</u>
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Emergency and Hazardous Chemicals Inventory Form .....	A-4
Follow-up Emergency Notice of Release .....	A-5
General Policy .....	A-5
Filing A Request For Information.....	A-6
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Information That May Be Withheld .....	A-7
Costs Involved With A Request For Information .....	A-8
Glossary Of Terms .....	A-9

## **Guidelines on Receiving and Processing Requests For Information Under Title III**

### **Introduction:**

On October 17, 1986, "The Emergency Planning and Community Right-to-Know Act of 1986" was enacted into law. This Act is part of the "Superfund Amendments and Reauthorization Act of 1986 (SARA) but is a separate, freestanding statute, sometimes known as Title III. Title III establishes requirements for Federal, State, and local governments and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. This legislation builds upon the EPA's Chemical Emergency Preparedness Program (CEPP), the Community Awareness and Emergency Response (CAER) program of the Chemical Manufacturers Association and many State and local programs aimed at helping communities to meet their responsibilities regarding potential chemical emergencies.

The community right-to-know provisions of Title III have been implemented to help to increase the public's knowledge and access to information on the presence of hazardous chemicals in their communities and releases of these chemicals into the environment. These procedures describe the basic types of information available and outlines the process for public distribution of this information.

### **Information That Is Available:**

Under Title III, certain covered facilities are required to file information with the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC), and the local fire department of jurisdiction. Information that must be filed includes:

1. Material Safety Data Sheet (MSDS) or List of MSDS chemicals (Section 311).
2. Emergency and Hazardous Chemical Inventory Form (Section 312).
3. Follow-up emergency Notices (Section 304).

Title III stipulates that members of the public are to be provided access to information filed with the SERC and the LEPC by making an appropriate request.

## MSDS or List of MSDS Chemicals

Section 311 of Title III requires owners and/or operators of facilities subject to this regulation to submit specific information for each hazardous chemical that is stored at subject facilities. The information required shall be contained in respective Material Safety Data Sheets (MSDS) as part of the information regarding the hazards associated with the use of or exposure to hazardous chemicals. Section 311 also stipulates that an owner or operator has the option of filing a list of the chemicals for which he must have an MSDS, instead of filing the MSDS itself. When an owner or operator has chosen the option of filing the "list" of chemicals requiring MSDS, if so requested by a member of the public of the LEPC a copy of the MSDS for any chemical contained on that list, the LEPC shall request the MSDS from the facility owner or operator and then shall make the MSDS available to the requester according to Title III requirements. **Emergency and Hazardous Chemical Inventory Form**

Section 312 of Title III stipulates that an owner and/or operator of a facility subject to this regulation shall prepare and submit an "Emergency and Hazardous Chemical Inventory Form", which shall be submitted to the LEPC, SERC, and local Fire Department by March 1 of each year. Section 312 specifically delineates information required to be included on the inventory form, and also stipulates special circumstances under which more specific information is to be submitted.

"Emergency and Hazardous Chemical Inventory Form" submitted shall contain specific information regarding the quantities and locations of hazardous chemical covered by this act for each facility. Such general information, known as "Tier II Information" shall be provided for each hazardous chemical in aggregate terms for those categories of hazardous chemicals set forth under the Occupational Safety and Health Act and the regulations issued under that Act.

Specific Tier II information required to be contained on the "Emergency and Hazardous Chemical Inventory Form" includes:

1. The chemical name of the common name of the chemical is provided on the material safety data sheet;
2. An estimate (in ranges) of the maximum amount of the hazardous chemical present at the facility at any time during the previous calendar year;
3. An estimate (in ranges) of the average daily amount of hazardous chemical present at the facility during the previous year;
4. A brief description of how the subject hazardous chemical's are stored;
5. and the "Emergency and Hazardous Chemical Inventory Form" shall indicate if the owner and/or operator has elected to withhold location information of a specific hazardous chemical from the disclosure to the public under Section 324.

Any person may request from the SERC and/or a LEPC, Tier II information for a subject facility for the previous calendar year. All requests for Tier II information shall be in writing, and shall specify the specific facility for which the request is being made. Upon receipt of an appropriate request, the SERC and/or the LEPC shall notify the owner and/or operator of the specific facility of such request.

Any Tier II information that the SERC and/or the LEPC maintains in its possession shall be made available to a person making a request under SERC procedures. If the SERC or LEPC does not have the Tier II information in its possession and receives a request for that information, the SERC or the LEPC shall request from the facility owner and/or operator required Tier II information relating to any hazardous chemical that a facility has stored in an amount over 10,000 pounds present at the facility any time during the previous calendar year. Such information shall then be made available to the person making the request. When Tier II information is not maintained by the SERC and/or LEPC, and the request relates to a hazardous chemical that a subject facility has stored in an amount less than 10,000 pounds present at the facility any time during the previous calendar year, the request *must include a statement which stipulates the general need for the requested information*. The SERC or LEPC then has the discretion to grant or deny such request.

## Follow-up Emergency Notice of Release

Section 304 of Title III requires covered facilities to submit emergency notification of releases of specific extremely hazardous substances. Such notifications shall be made to the County Emergency Coordinator and/or the LEPC. In addition to the requirements for notification of the local LEPC, emergency notification shall be made to the SERC of any State likely to be affected by such release. Additionally Section 304 requires that an owner and/or operator of a covered facility provide written follow-up notices when practical after the release. Such follow-up notices shall include:

1. An update of the information included in the initial release notification;
2. Information on actions taken to respond to and contain the release;
3. Any known or expected acute or chronic health risks associated with the release; and,
4. Where appropriate, advice regarding medical attention necessary for exposed individuals.

## General Policy

The SERC and all LEPC(s) will make the fullest possible disclosure of records to the public consistent with the provisions of Title III. All SERC records shall be available to the public unless they are exempt from disclosure requirements.

## Filing a Request for Information

A request for records may be filed with the SERC and/or with a specific LEPC if such request relates to a facility found in that LEPC's Emergency Planning District. The addresses of the SERC and is:

**West Virginia Emergency Response Commission**  
Room EB80 State Capitol Complex  
Charleston, WV 23505  
Phone: (304) 558-5380

**Wood/Wirt County Local Emergency Planning Committee**  
911 Core Road  
Parkersburg, WV 26101  
Phone: (304) 420-0911

**Records which may be requested from the LEPC are:**

- 1) local emergency response plans;
- 2) MSDS or lists of hazardous chemicals;
- 3) Hazardous Chemicals Inventory Forms;
- 4) and follow-up notices of releases.

**Records which may be requested from the SERC are:**

- 1) the Hazardous Chemicals Inventory Form;
- 2) and emergency follow-up notices of releases.

All requests pursuant to this regulation must be made in writing, and describe the records sought in a way that will allow their identification and location, but otherwise need not be in any particular form. If the description of the records sought in a request is not sufficient to allow the SERC and/or the LEPC to identify and find the requested records, the SERC and/or the LEPC will notify the requester (by telephone when practical) that the request cannot be processed until more information is given.

Every reasonable effort will be made to help in the identification of records sought and to help the requester in formulating his or her request. If a request is described in general terms (e.g. all records concerning a certain facility), then the SERC and/or the LEPC may talk with the requester (by telephone when practical) in an effort to reduce the administrative burden of processing a broad request and minimizing the fees payable by the owner and/or operator. Such attempts shall not be used as a means to discourage, but as a means to help identify the specific records sought

Requests received at offices other than those described above may not be answered timely. Oral or phone requests for records may be honored at the discretion of the SERC

and/or the LEPC if such request is followed by a written request. The written request may be hand delivered if previous arrangements for an appointment to receive copied material was made by phone.

## **Responding to a Request for Information**

The SERC or LEPC, upon receipt of a written request, will mark the request with the date of receipt, and begin to identify and find the requested information or ask for more information concerning the request. Such responses must do either:

1. Furnish copies of the requested information; or,
2. Advise the requester of the time and place at which he/she may inspect and copy the information; or,
3. Deny the request stating in writing the reason for such denial.

### **Denials of requests may be made only in the following circumstances:**

1. The request record is not known to exist; or
2. The record is not in the SERC and/or the LEPC's possession and the SERC and/or LEPC is not required under Title III to obtain this record from the owner and/or operator of a covered facility; or,
3. The record is exempt from disclosure under Title III.

A letter informing the requester of the denial must be sent within 45 days. The letter shall clearly state the basis for the denial.

## **Information That May Be Withheld**

The following information may be withheld from the public under Title III:

1. Trade Secrets: The specific chemical identity, (including the chemical name and other specific identification) may be withheld by the owner or operator of a covered facility from information submitted to the SERC or the LEPC if such information is determined by the US Environmental Protection Agency to be a trade secret as defined in Title III.

2- Location of the Specific Chemical: Upon request an owner and/or operator of a facility subject to Title III, the SERC and the appropriate LEPC must withhold from disclosure the

location of any specific chemical required by Title III to be contained in an inventory form as Tier II information.

## Costs Involved With a Request for Information

Fees will be charged requesters for searching for and reproducing requested records. Fees charged by the Wood/Wirt County LEPC shall be sufficient to defray the costs as associated with finding and reproducing the requested information. Accordingly, the fees to be charged by the LEPC are as follows:

1. Copying costs shall be \$1.50 for the first two pages and \$1.00 for each additional page.
2. Charges for copying materials that must be reproduced by outside facilities shall be the actual cost of copying.
3. A search fee of \$9.50 per hour or fraction of an hour and shall be charged for the time spent in trying to find requested records beyond the initial half hour used to find such records.
4. An invoice for the total amount of fees will be given to the requester when materials are picked up. Payments shall be made by check or money order and made payable to the Wood/Wirt County Commission.
5. Total or partial payment may be required if the LEPC finds that the unpaid fees attributable to one or more requests, by the same requester exceed or will exceed \$100.00.
6. Any requester who cannot afford to pay the fees established by the LEPC under this section, may file an affidavit with the committee stating that the requester is unable to pay such fees. Upon the filing of such affidavit the LEPC may process the request by following these guidelines as if the fees were paid.

## Glossary of Terms

Chemical Releases - releases of toxic chemicals that must be reported annually in a "Toxic Chemical Release Reporting Form" to the US Environmental Protection Agency and a State official to be designated by the Governor according to Section 313 of Title III. The report is due July 1 of each year.

Emergency Notification or Emergency Release Notification - the notification required by Section 304 of Title III that must be given immediately upon a release of a listed hazardous substance that exceeds the reportable quantity for that substance. This notification must be given to the SERC and Local Emergency Planning Committee.

Emergency Response Plan - the plan to be developed by each Local Emergency Response Committee. These plans are to be completed by October 17, 1988.

Inventory Form - The Emergency and Hazardous Chemical Inventory Form that must be submitted by covered facilities to the Local Emergency Planning Committee, the SERC and the local fire department. The Inventory Form is sometimes referred to as the Tier II.

List of MSDS Chemicals - a list of chemicals submitted to the Local Emergency Planning Committee, the SERC, and the local fire department instead of the requirement to submit copies of the Material Safety Data Sheet (MSDS).

MSDS or Material Safety Data Sheet - a form used by chemical manufacturers and required by the Federal Occupational Safety and Health Administration's Hazard Communication Standard (29 CFR 1910.1200) for reporting health and safety information on hazardous chemicals.

SERC or State Emergency Response Commission - the State agency responsible for implementation of Title III within the State. The SERC oversees operation of the Local Emergency Planning Committees as well as coordinates emergency response activities.

Tier II Information - information that must be provided on the inventory form only upon request of the SERC or Local Emergency Planning Committee. This information is due March 1 of each year.



## ATTACHMENT B

### SAMPLE NEWS RELEASE:

**For Immediate Release:** Date \_\_\_\_\_

**Contact:** Director of Wood County Office of Emergency Management  
Chairperson – Wood/Wirt County LEPC  
Telephone: 304-420-0911

The Wood/Wirt County Local Emergency Planning Committee will hold its next meeting at **location, date, time.**

LEPC meetings are open to the public. For further details contact the Wood County Office of Emergency Services 304-420-0911.

### SAMPLE LEGAL ADVERTISEMENT:

#### NOTICE

The Wood/Wirt County Local Emergency Planning Committee will hold an open public hearing to solicit public comment on its draft of the Emergency Response Plan.

The Hearing will be held at (date, time and location)

For information on meeting format and content contact: The Office of Wood/Wirt County Emergency Services, 911 Core Road, Parkersburg, WV 26101  
Phone number: 304-420-0911

## Sample Letter to Potential Covered Facilities

Dear

Under the Federal Superfund and Reauthorization Act of 1986, (SARA Title III) owners and/or operators of certain facilities, by law, must take certain actions regarding hazardous substances on their property.

If you use, store, manufacture, process or import any chemical and/or chemical substance that is hazardous, you must be subject to the requirements of this law. You should check to see if you have any such substances, and if so in what amount. To learn if a substance is hazardous you can:

1. Check information on labels, or literature accompanying the material.

2. Question the provider or the material.

Contact the Local Emergency Planning Committee – 304-420-0911

5. or your local office of The West Virginia Department of Environmental Protection.

If you have such substances, contact the LEPC Coordinator of Information for advice on further requirements.

Sincerely,

Chairman  
Local Emergency Planning Committee

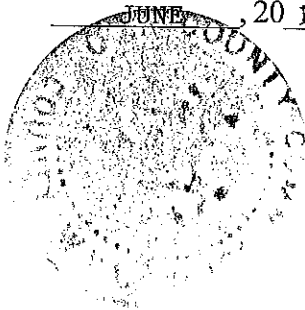
STATE OF WEST VIRGINIA,  
COUNTY OF WOOD, TO WIT:

I JAMIE SIX, Clerk of the County Commission in and for the County of Wood and State of West Virginia, having a Seal, and the Officer in whose custody of files, books and records of said Office are required by laws of said State to be kept, do hereby certify that the attached and foregoing writing is a full, true and complete transcript and copy of

IN RE: THE COUNTY COMMISSION DID HEREBY GIVE APPROVAL TO THE BY-LAWS AND PRODECURES OF THE WOOD COUNTY LOCAL EMERGENCY PLANNING COMMITTEE.

and the same appears of record in my said Office in COURT ORDER BOOK 70, Page 82

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of said Office, at the City of Parkersburg, County of Wood and State of West Virginia, this the 15th day of JUNE, 20 12.



JAMIE SIX, CLERK  
WOOD COUNTY COMMISSION  
By: Ruth A. Myer  
Deputy

Jamie Six  
WOOD County 04:08:14 PM  
Instrument No 748261  
Date Recorded 06/15/2012  
Document Type ORDER/D  
Pages Recorded 20  
Book-Page 1184-362

5/21/12

70/81

STATE OF WEST VIRGINIA  
COUNTY OF WOOD

} TO -WIT:

I, BICKFORD TICE, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and that I will faithfully and impartially discharge the duties of the office of PART-TIME COURT SECURITY - WOOD COUNTY SHERIFF'S DEPARTMENT in and for Wood County, West Virginia, to the best of my skill and judgment, during my continuance in the same; SO HELP ME GOD.

*Bickford L Tice*

Subscribed and sworn to, before County Commission of Wood County, West Virginia, this 21st day of May, 2012.

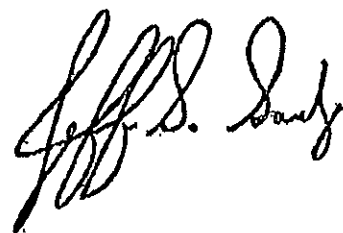
*[Signature]*  
County Commission of Wood County

***Office of the Sheriff - Wood County West Virginia***

***Administrative - Confinement - Major Crimes - Public Safety Operations  
401 Second Street, Suite 11, Parkersburg, WV 26101***

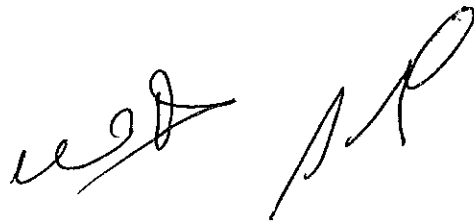
*S/21/12  
70/80*

Date: May 21, 2012  
To: Wood County Finance  
From: Sheriff Jeff S. Sandy  
Re: Bickford Tice



Bickford Tice will be returning to work as a part time Court Security Officer. He will be paid a rate of \$10.00 per hour and it will be taken from line item 700-10-109.

Any questions please call Joanne Smith at 304-424-1924.



5/21/12

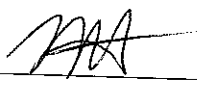
70/83

STATE OF WEST VIRGINIA  
COUNTY OF WOOD

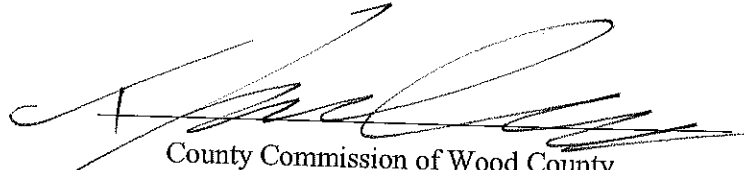
}

TO - WIT:

I, ROBIN HART, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and that I will faithfully and impartially discharge the duties of the office of CASE MANAGER - JACKSON COUNTY DAY REPORT CENTER in and for Wood County, West Virginia, to the best of my skill and judgment, during my continuance in the same; SO HELP ME GOD.

  
\_\_\_\_\_

Subscribed and sworn to, before County Commission of Wood County, West Virginia, this 21st day of May, 2012.

  
County Commission of Wood County

W  
S  
R  
M

May 15<sup>th</sup>

5/21/12  
P 70/83

To: The Wood County Commission

From: Jeff Williams/Regional Director/DRC

Subject: Employment of Robin Hart

Gentlemen:

As you are aware, we had to terminate the employment of Tom Hartley in our Jackson County office. I am asking the Commission to approve the hiring of Ms. Robin Hart as the new case manager in our Jackson County office. Ms. Hart's starting salary will be \$26,000.00 per year. Ms. Hart possess a bachelor's degree in Criminal Justice and has extensive experience in related fields. She has had all the proper background and employment checks.

For purposes of Finance, the new position will employ: Ms. Robin Hart, P.O. Box 125, Lot 27, Sandyville, WV 25275, and SS # 236-19-7404. Her yearly salary will be \$26,000.00.

We have the funding for this position in our existing and our new Grant. I appreciate your attention in this matter.

Respectfully Yours,

  
Jeffery J. Williams

cc: Finance

